

**REMARKS**

Applicants have studied the Office Action, and provide the following remarks in response thereto. It is respectfully submitted that the application, in view of the ensuing remarks, is in condition for allowance. Claims 1-15 are pending in the present application. Claims 8 and 14 have been amended to correct informalities. No new matter has been added. Reconsideration and allowance of the pending claims in view of the ensuing remarks are respectfully requested.

In the Office Action, the Examiner objected to claims 8 and 14 because they recited the limitation "the tank" with insufficient antecedent basis. Applicants have amended claims 8 and 14 to recite "an aquarium tank" in the preamble. Accordingly, Applicants respectfully submit that the Examiner's objection to claims 8 and 14 has been obviated by the present amendments.

In the Office Action, the Examiner rejected claims 1-15 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 3,857,366 to Willinger in view of U.S. Patent No. 5,479,327 to Chen. Applicants have studied the cited references and this rejection is respectfully traversed.

Applicants' disclosure and claims are directed to an aquarium hood that can be attached to an aquarium tank by way of a hinge mechanism (see, e.g., page 5, lines 15-23 of the present application). Accordingly, Applicants' invention allows the aquarium hood to be rotated open without actually removing the hood from the tank. The operation of Applicants' invention allows full access to the aquarium tank while preventing the problems associated with prior aquarium covers that had to be removed from the tank to allow the user access to the tank. Associated problems included the danger of the aquarium cover falling into the tank or onto the floor, and the mess created by placing a wet aquarium cover on the floor or surrounding furniture (see page 5, lines 1-15 of the present application).

The aquarium cover disclosed in Willinger is not attached to the aquarium tank by way of a hinge. Instead, the hinges disclosed in Willinger allow separate panels of the aquarium cover to be rotated with respect to the frame of the aquarium cover (Column 4, lines 43-52 and Figure 1). If the user of the Willinger device wanted to have full access to the aquarium tank (as opposed to the partial access allowed by opening one of the panels), the Willinger aquarium cover would have to be removed from the top of the aquarium tank. Thus, the Willinger aquarium cover is susceptible to all of the same problems associated with the prior devices discussed in the present application.

In order for an obviousness rejection to be maintained under 35 U.S.C. § 103, the cited references must disclose each and every limitation of the current applicant's claims. In this case, neither the Willinger nor the Chen reference discloses a hinge for attaching an aquarium cover to an aquarium tank. Accordingly, it is respectfully submitted that the rejection of claims 1-15 of the present invention under 35 U.S.C. § 103(a) cannot be maintained.

Applicant believes that the foregoing remarks place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: August 29, 2005

By: 

Richard H. Zaitlen  
Registration No. 27,248  
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800  
Los Angeles, CA 90017  
Telephone: (213) 488-7100  
Facsimile: (213) 629-1033